IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1060 OF 1998

IN

CHAMBER SUMMONS NO.549 OF 1997

IN

SUIT NO.2434 OF 1987

Prataprai Trambaklal Mehta. ...Appellant.

vs.

1.Jayant Nemchand Shah & others. ...Respondents.

AND

APPEAL NO.1061 OF 1998

IN

CHAMBER SUMMONS NO.548 OF 1997

IN

SUIT NO.2434 OF 1987

Prataprai Trambaklal Mehta. ...Appellant.

vs.

1.Jayant Nemchand Shah & others. ...Respondents.

Mr.T.G.Vora, for Appellant.

Mr.Sunil Patel i/b. M/s.Shantilal & Co., for Respondents 3 and 5.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 18th July,2007.

P.C.:-

1. By these appeals, the appellant challenges the order dated 16.6.1998, passed by the learned Single Judge of this Court, which is a common order passed in chamber summon no.547 of 1997, chamber summons no.548 of 1997 and chamber summons no.549 of 1997. The learned Counsel appearing for appellant states that the order passed in chamber summons no.547 of 1997 has been accepted by the appellant and has not been challenged. By these appeals, the order passed in

chamber summons no.548 of 1997 and chamber summons no.549 of 1997 has been challenged. The learned Counsel appearing for appellant states that he should be permitted to withdraw the chamber summons no.548 of 1997 and chamber summons no.549 of 1997 with liberty to take out a fresh chamber summons, if so advised, with appropriate documents. The request is not opposed by the learned Counsel appearing for respondents. Hence, the appellant is permitted to withdraw the chamber summons no.548 of 1997 and chamber summons no.549 of 1997, with liberty to take out a fresh chamber summons, if so advised, alongwith the appropriate documents. As a result of withdrawal of chamber summons no.548 of 1997 and chamber summons no.549 of 1997, the orders passed thereon by the learned Single Judge do not survive, as a consequence these appeals are rendered infructuous. The appeals are disposed of.

2. The learned Counsel appearing for respondents in both the appeals states that for a period of eight weeks from today, the respondents shall maintain status quo in relation to the premises in their possession which was subject matter of the above said two chamber summons. The statement is accepted.

Notice of motion no.67 of 1998 in Appeal no.1060 of 1998, and notice of motion no.68 of 1999 in Appeal no.1061 of 1998 are also disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)